

Division of Standards

December 2016 Newsletter

Annual Reports Due in January

The Annual Reports have been mailed and must be filed by the end of January 2017 for the work completed in calendar 2016. Annual reports last year indicated a total Consumer and

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Item Pricing Waivers

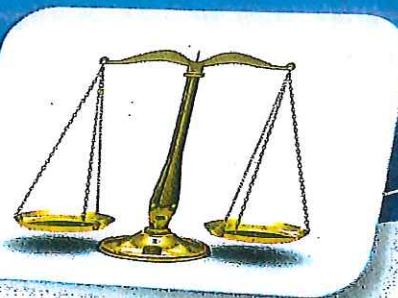
Chapter 138 of the Acts of 2012 allowed retail food and grocery stores to purchase "waivers" from having to individually having to item price each item. The Act which took effect on January 1, 2013 changed forever the current marketplace landscape regarding the requirement of having to place an item price on every food and grocery item. Currently, over 1300 hundred food and grocery stores utilizing electronic checkout systems



purchased waivers and another 150 stores are expected to in the immediate future. "Waiver" stores must install an in-aisle consumer scanner for every 5,000 square feet of floor space and post a one inch high retail price sign.

The Act also requires retailers to offer a price accuracy guarantee, which gives the consumer one free item if the item scans higher than the lowest advertised price,

and ten dollars off the cost of the item if the item costs over ten dollars. In addition, the law increased fines to \$200 dollars per item in "Waiver" stores and if the overcharged item was a "Loyalty" card reduced priced item the fine is tripled. The Division also promulgated regulations, 202 CMR 7:00 to enhance the enforcement of the Act. Waivers must be renewed annually. The waiver fees collected which exceeded \$600 thousand dollars in FY 16 are retained in part by the Division to fund enforcement of the Act.



Events

December 14th, 2016 Eastern Mass Weights and Measures Association
Norton, MA
mcoyne@ci.brockton.ma.us

January 8-11, 2017 NCWM Interim Meeting
San Antonio, Texas
NCWM.net

March 20, 2017 Mass Weights and Measures Interim
Marlboro, MA
jcassidy@cmbbridgema.gov

May 6-9, 2017 Northeastern Weights and Measures Association
Saratoga Springs, NY
www.newma.us



Welcome New Sealers

Elmon Hendrickson, Brookline
Steven Ciampoli, Medford
John Ferrara, Revere
Pat Mazzola, Plymouth

Apples by the Peck?

A question was recently asked about the legality of selling apples and other vegetables in paper bags marked in terms of dry measure (peck, $\frac{1}{2}$ peck) ect. Massachusetts General law Chapter 94, section 96 states, **that all fruits, nuts, vegetables and grain shall be sold at retail by weight or numerical count.** Therefore, the sale of apples by dry measure at retail is illegal.

There are exceptions to the sale at retail in terms of dry measure but those exceptions only apply to the sale of small berries i.e. strawberries, blueberries, cherries etc., which pack closely and reduce air space when compared to larger fruits and vegetables like apples and cucumbers. Therefore, please inform any retailers selling apples and other large fruits and vegetables by dry measure must be discontinued.



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... and Merchant savings exceeding 14.3 million dollars, which included 8.2 million in consumer savings and 6.1 million in merchant savings. The total cost of weights and measures departments statewide was 3.3 million dollars approximately 61 cents per person and the total combined savings to merchants and consumers amounted to \$2.16 cents per person. Effective weights and measures is again proving its worth.



Heating Oil Season

We recently experienced our initial blast of cold weather which means winter is just around the corner. The winter heating season has arrived and the weathermen are predicting a colder than normal winter. The importance of inspecting fuel oil deliveries to detect unsealed metering systems and fraudulent delivery practices has never been higher as profit margins dip due to the current reduction in the wholesale cost of fuel.

Consumers rely on weights and measures to protect them from fraudulent delivery practices. We urge all weights and measures officials to increase inspections and to devote time to conducting inspections especially during non-traditional work hours.